

REMARKS

Claims 1-5 are pending in the present application. In an office action dated March 18, 2003, claims 1-5 were rejected. Applicants traverse the rejections as follows.

Rejections under 35 U.S.C. 102(a)

Claims 1-3 were rejected under 35 U.S.C. 102(a) as being anticipated by Hippelainen (WO99/33230). It was alleged that Hippelainen teaches all of the elements of claims 1-3.

Applicants do not believe that Hippelainen teaches the claimed invention. Specifically, Applicants maintain that Hippelainen does not teach 1) defining a minimum segment size, 2) defining a maximum segment size, 3) generating a first segment having a size between the minimum and the maximum segment size, and 4) generating a second segment having a segment size less than or equal to the maximum segment size upon the occurrence of a predefined event, such as the receipt of an acknowledgment message.

In the office action, it was alleged that these elements are all disclosed on page 3, lines 16-17, reprinted below (actually lines 16-19):

“For example, the payload of the first of two successive blocks of one and the same call transmitted on the radio path can fit into one frame, whereas the payload of the second block may have to be divided between a plural number of frames, although the payloads on the radio path are equal in length.”

The above passage simply points out a problem of prior art systems, in that using a fixed frame size, sometimes information must be sent in more than one frame. Hippelainen fails to teach a method or apparatus which defines *both* a minimum and a maximum frame size, either in the above passage or anywhere in Hippelainen. For this reason alone, the rejection under 35 U.S.C. 102(a) should be withdrawn. Additionally, Hippelainen fails to teach the other two elements of Applicants claimed invention, specified as items 3) and 4), above. There is simply no teaching, either on page 3, lines 15-16, or anywhere else in Hippelainen, that teaches these elements.

Rejections under 35 U.S.C. 103(a)

Claim 4 was rejected under 35 U.S.C. 103(a) as being unpatentable over Hippelainen. Claim 5 was rejected under 35 U.S.C. 103(a) as being unpatentable over Hippelainen in view of Kim (U.S. patent number 6,421,353).

Regarding claim 4, it was alleged that Hippelainen teaches all of the elements of this claim, except that Hippelainen does not teach the use of a processor, memory, and a queue, and that it would have been obvious for one skilled in the art to use such devices to arrive at Applicants' invention.

Applicants disagree that Hippelainen teaches all of the elements of claim 4, but for a processor, memory, and a queue. The office action alleges that Hippelainen, on page 3, lines 16-17, teaches storing a minimum segment size as being "the first block or minimum segment". Applicants disagree with this interpretation of the cited text. There is no reasonable basis for concluding that this text describes a minimum segment size. Furthermore, as explained above with respect to the rejection under 35 U.S.C. 102(a), Hippelainen does not teach the use of both a minimum segment size *and* a maximum segment size. Finally, Applicants believe that claim 4 is allowable for being dependent on an allowable claim. For these reasons, the rejection should be withdrawn.

Regarding claim 5, it was alleged that Hippelainen teaches all of the claim elements except that it does not teach the use of a vocoder. Kim, however, does teach the use of a vocoder, therefore it was alleged that one of ordinary skill in the art would have combined the two references to arrive at Applicants' invention.

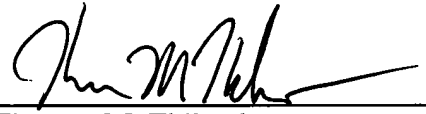
As noted above, Applicants disagree that Hippelainen teaches the claim limitation of claim 4. Further, Applicants believe that claim 5 is allowable as being dependent on an allowable claim. As such, Applicants believe that the rejection should be withdrawn.

CONCLUSION

All of the stated grounds of rejection have been properly traversed. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete reply has been made to the outstanding office action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Respectfully submitted,

Dated: June 9, 2003

By: 
Thomas M. Thibault
Attorney for Applicants
Registration No. 42,181

QUALCOMM Incorporated
Attn: Patent Department
5775 Morehouse Drive
San Diego, California 92121-1714
Telephone: (858) 651-1179
Facsimile: (858) 658-2502